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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 CATLIN UNDERWRITING AGENCIES) Case No. 08-CV-0173-WQH (JMA)
12 LIMITED,)
13) **CASE MANAGEMENT CONFERENCE**
14 Plaintiff,) **ORDER REGULATING FIRST PHASE**
15) **OF DISCOVERY**
16 v.)
17) (Fed. R. Civ. P. 16)
18) (Local Rule 16.1)
19 SAN DIEGO REFRIGERATED) (Fed. R. Civ. P. 26)
20 SERVICES, INC., etc., et al.,)
21)
22 Defendants.)
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18 Pursuant to Rule 16 of the Federal Rules of Civil Procedure,
19 a telephonic Case Management Conference was held on June 17, 2008
20 at 10:00 a.m. After reviewing the parties' Joint Discovery Plan
21 [Doc. 21] and consulting with the attorneys of record for the
22 parties, and good cause appearing,

23 **IT IS HEREBY ORDERED:**

24 1. Any motion to join other parties, to amend the
25 pleadings, or to file additional pleadings shall be filed on or
26 before **August 15, 2008**.

27 2. A telephonic Case Management Conference shall be held
28 before Magistrate Judge Adler on **October 1, 2008** at **9:30 a.m.**

1 Counsel for each party shall appear telephonically at this
2 conference. The Court will initiate the conference call.

3 3. The first phase of discovery shall be completed by all
4 parties on or before January 9, 2009. The first phase of
5 discovery will encompass (1) whether Plaintiff has a duty to
6 defend the underlying lawsuit and (2) whether the insureds
7 complied with the notice provision of the subject policy.

8 "Completed" means that all discovery under Rules 30 through
9 36 of the Federal Rules of Civil Procedure must be initiated a
10 sufficient period of time in advance of the cutoff date, so that
11 it may be completed by the cutoff date, taking into account the
12 times for service, notice, and response as set forth in the
13 Federal Rules of Civil Procedure. All disputes concerning
14 discovery shall be brought to the attention of Magistrate Judge
15 Adler no later than thirty (30) days following the date upon
16 which the event giving rise to the dispute occurred. For oral
17 discovery, the event giving rise to the discovery dispute is the
18 completion of the transcript of the affected portion of the
19 deposition. For written discovery, the event giving rise to the
20 discovery dispute is the service of the response. Counsel are
21 required to meet and confer prior to contacting the Court
22 regarding all discovery disputes pursuant to the requirements of
23 Local Rules 16.5(k) and 26.1(a).

24 4. All motions relating to the initial two issues, set
25 forth above, shall be filed on or before February 10, 2009.¹

27 ¹Counsel should note that while historically motion cutoff
28 deadlines issued by this Court were deadlines for motion hearings, the
motion cutoff dates now being issued establish deadlines for the
parties to file motions.


1 Motions will not be heard or calendared unless counsel for the
2 moving party has obtained a motion hearing date from the law
3 clerk of the judge who will hear the motion. **Be advised that the**
4 **period of time between the date you request a motion date and the**
5 **hearing date may be up to sixty (60) days. Please plan**
6 **accordingly.** Failure of counsel to timely request a motion date
7 may result in the motion not being heard.

8 Briefs or memoranda in support of or in opposition to any
9 pending motion shall not exceed twenty-five (25) pages in length
10 without leave of the judge who will hear the motion. No reply
11 memorandum shall exceed ten (10) pages without leave of the judge
12 who will hear the motion.

13 5. The Court will conduct a Case Management Conference
14 after the rulings on the parties' contemplated motions for
15 summary judgment following the first phase of the case in order
16 to issue a schedule for the remainder of the case.

17 **IT IS SO ORDERED.**

18 DATED: June 17, 2008

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20 Jan M. Adler
21 U.S. Magistrate Judge
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